

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7642

BILL NUMBER: HB 1268

NOTE PREPARED: Mar 4, 2003

BILL AMENDED: Mar 3, 2003

SUBJECT: Presumption Concerning Child Sexual Abuse.

FIRST AUTHOR: Rep. Orentlicher

FIRST SPONSOR: Sen. Bray

BILL STATUS: As Passed - House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It establishes a rebuttable presumption that a child is a child in need of services (CHINS) if: (1) another child in the same household has been the victim of a sex offense; (2) the offense was committed by an adult living in the same household; and (3) the offense resulted in the conviction of the adult or a CHINS adjudication as it relates to the child victim.

(B) It also provides that a child presumed to be a child in need of services may not be taken into custody or emergency custody unless the court first finds cause following a hearing.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) This bill adds a new circumstance under which a child is a child in need of services if a child lives in the same household with another child who is a victim of a sex offense that can range from rape to child molestation to incest. The child in question would need care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court.

Depending on the number of children affected, this bill could increase the number of children who might be declared by a court to be a Child In Need of Services.

The estimated average annual cost per CHINS case is \$3,600 for CY 2001. This cost includes the population of children for whom investigations were completed as well as those who are CHINS. This overstates the costs for investigations and understates the costs for children in out-of-home placements. However, this is the most accurate number available from current data. For CY 2001 total child welfare expenditures were

\$273 M for 76,000 children.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Depending on the actions of the juvenile court, the child could be placed in an out-of-home setting, increasing the costs to the county that pays for out-of-home costs.

Provision B: Depending on the financial status of the parents, guardians or custodians of the child, the court may also incur added expenses for appointing an attorney to represent an indigent parent in a detention hearing.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies, county Office of Family and Children.

Information Sources:

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